

MCF

Attorney No.: 41424

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JERRY LUNN, Personal Representative)	
of the Estate of KATIE ANN LUNN,)	
deceased,)	
)	
Plaintiff,)	
)	
v.)	No. 10-CV-2753
)	
NATIONAL RAILROAD PASSENGER)	
CORPORATION, d/b/a AMTRAK, and)	
CANADIAN NATIONAL RAILWAY)	
)	
Respondents.)	

ATTACHMENT

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#02329 TAD/MKD/DRB/DMK/sg 4/28/2010

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

JERRY LUNN, Personal Representative of the
Estate of KATIE ANN LUNN, deceased,

Petitioner,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION and CANADIAN
NATIONAL RAILWAY,

Respondents.

No.

10CH18424

PETITIONER'S EMERGENCY BILL OF DISCOVERY

Petitioner, JERRY LUNN, Personal Representative of the Estate of KATIE ANN LUNN,
by her attorneys, CORBOY & DEMETRIO, P.C., Petitions this Court for an Emergency Bill of
Discovery and in support thereof, states:

1. On Friday, April 16, 2010, KATIE ANN LUNN was operating her vehicle at a railroad crossing located at Stuenkel Road in University Park, Illinois when the vehicle was struck by an Amtrak train, resulting in KATIE ANN LUNN's death.
2. On information and belief, Respondent, AMTRAK, had a camera on the aforesaid train that recorded the incident.
3. On information and belief, on April 16, 2010, Respondent, CANADIAN NATIONAL RAILWAY, performed maintenance on the aforesaid railroad crossing and disabled the grade crossing protection system, including flashing lights and gates.
4. In order to preserve, protect and investigate all aspects of any and all causes of action arising from the death of KATIE ANN LUNN, it is necessary that Petitioner have access

to any and all video of the aforesaid events and all documentation of any and all work done at the subject crossing.

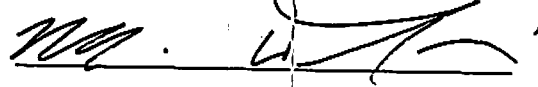
5. Based on the foregoing, Petitioner prays for the entry of an Order requiring the immediate preservation of and subsequent production by Respondents, within twenty-one (21) days, of the following:

- a) Any and all photographs, videos or other form of media, of the premises in question for the day of the crash, including but not limited to the video of the actual crash;
- b) Any and all records pertaining to any and all inspections and work conducted at the subject crossing on April 16, 2010;
- c) The event recorder readout from the Amtrak train for five miles prior to and through the crash;
- d) Any and all communications, whether written, e-mail or any other form, pertaining to any and all maintenance work done at the subject crossing for one month prior and up to the time of the occurrence;
- e) A list of the names and addresses of all individuals who conducted or participated in work done at the crossing on the grade crossing protection system on April 16, 2010;
- f) All records and readouts from the grade crossing protection system recorder for the subject crossing for the 24 hour period leading up to and including the subject crash;
- g) All data downloads for the subject grade crossing protection system.

6. Petitioner additionally prays for leave to issue subpoenas to investigatory agencies for reports, statements, photographs and videos relating to the aforesaid crash.

WHEREFORE, Petitioner prays for the entry of an Order granting the aforesaid relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Demetrio', is written over a horizontal line.

Thomas A. Demetrio
Michael K. Demetrio
David R. Barry, Jr.
Daniel M. Kotin
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2010P-0082

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JERRY LUNN, Personal Representative of the
Estate of KATIE ANN LUNN, deceased,

Petitioner,

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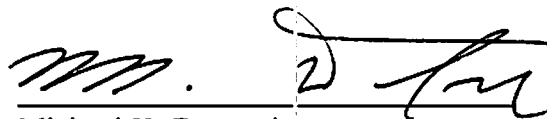
NATIONAL RAILROAD PASSENGER
CORPORATION and CANADIAN
NATIONAL RAILWAY,

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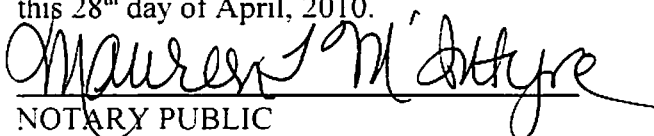
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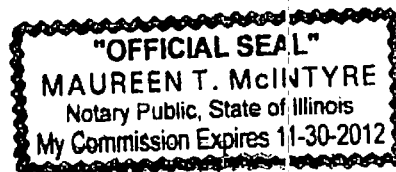
I, Michael K. Demetrio, of Corboy & Demetrio, P.C., attorney for Petitioner, JERRY LUNN, Personal Representative of the Estate of KATIE ANN LUNN, by am familiar with the facts as set forth in the Emergency Bill of Discovery.

Based upon my limited investigation to date, I state, under oath, that all of the allegations contained in Petitioner's Emergency Bill of Discovery are true and correct to the best of my knowledge.


Michael K. Demetrio

SUBSCRIBED and SWORN to before me
this 28th day of April, 2010.


NOTARY PUBLIC



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